

REMARKS

The last Office Action of May 17, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim 1 is pending in the application. Claim 1 has been canceled. Claims 2 to 6 have been added. A total of 5 claims is now on file. Amendments to the specification have been made. No fee is due.

It is noted that claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,901,572 to Peiffer et al. (hereinafter "Peiffer")

REJECTION OF CLAIM 1 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has canceled original claim 1 in favor of new claims 2-5, which are written in proper form and language and better encompass the full scope and breadth of the invention..

As a result of the cancellation of claim 1, the rejection under 35 U.S.C. §112, second paragraph becomes moot.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY PEIFFER

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

The present invention, as set forth in new independent method claim 2 and new independent apparatus claim 4, is directed essentially to the provision of a flow channel which is subdivided in two sections (stages) for subjecting a fluid to

different temperatures, as it flows through the flow channel. It is noted by applicant that even though original claim 1 was directed to a method and applicant, in addition to submitting a new independent method claim, presents now an additional apparatus claim and two dependent apparatus claims, the method and apparatus claims now on file are not distinct and independent from one another and thus should be examined together. Please note that the examination burden will not be lessened by a division because the same prior art should be equally applicable to both method and apparatus claims.

The Peiffer reference describes a heating and air conditioning system for a motor vehicle for selectively delivering warm air and cool air to the passenger area. The Examiner refers to Fig. 2 to show the presence of two divide channels (122, 124). Fig. 2 shows a cold side heat exchanger (122) through which air is forced by a fan (131) to cool air, and a hot side heat exchanger (124) through which air is forced by a fan (130) to heat air. Thus, two separate systems are involved here. Unlike Peiffer, the present invention sets forth one system having a flow channel which is subdivided in two sections for subjecting the same fluid to different temperatures.

For the reasons set forth above, it is applicant's contention that Peiffer neither teaches nor suggests the features of the present invention, as recited in independent claims 2 and 4.

As for the rejection of the retained dependent claims, these claims depend on claims 2 and 4, respectively, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection under 35 U.S.C. §102(b) and allowance of claims 2-6 are thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion

thereof is necessary.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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